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June 8, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Docket 2020-247-A
Workshops Regarding the Public Service Commission's Formal Review of Its
Regulations Pursuant to S.C. Code Ann. Section 1-23-120(J)
**Department of Consumer Affairs Comments on S.C. Code Ann. Regs. 103-100 *et seq.*
and 103-200 *et seq.***

Dear Ms. Boyd:

The Department of Consumer Affairs (the "Department") submits this letter in response to the Commission's request for comments on regulation sections 103-100 *et seq.* and 103-200 *et seq.* In addition, we plan to participate in the June 18, 2021 workshop. The Department submits these comments, not as a representative of the consumer interests in utility rate matters, but rather under its broader authority as the state consumer protection agency. These comments are similar to previous comments submitted on regulation sections 103-600 *et seq.* (telephone utilities), because of the similarities in the regulations.

The Department questions whether certain aspects of S.C. Code Ann. Reg. § 103-199.5 (Adjustment of Bills) could be amended to provide more clarity and consumer protections without imposing an undue or unreasonable burden on the motor carrier. Section 103.199.5.3 (Customer Willfully Overcharged) states that:

If the utility [sic] has willfully overcharged any customer, the carrier shall refund the difference, ***plus interest, as prescribed by the commission.***

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(*emphasis* added). A search of the Commission's website and DMS does not produce any order or other writing which prescribes the rate of interest payable for an overcharge. Absent such order or writing, it is unclear what interest rate is to be imposed for a willful overcharge or if this is decided on a case by case basis. The Commission could clarify what interest rate applies to a willful overcharge for motor carriers. The applicable interest rate should operate as an adequate deterrent from such behavior. In determining and prescribing an appropriate interest rate, the Commission may find that S.C. Code Ann. § 58-5-240(D) provides some guidance. Pursuant to that section, any unapproved portion of a rate increase put into effect under bond accrues interest at a rate of twelve percent *per annum*, and interest begins to accrue on the date the disallowed increase is paid and continues to accrue until the date the refund is made.

S.C. Code Ann. Regs, 103-199.5.1 (Customer Inadvertently Overcharged) permits a motor carrier to refund an "inadvertent" overcharge without interest or penalty. In the Department's role as a mediator of consumer complaints, we receive complaints related to the time it takes for consumers to receive refunds. The Commission could provide reasonable consumer protections by requiring motor carriers to refund overcharges within a specified timeframe, and require interest be paid if the overcharge is not refunded within the specified timeframe.

The Department appreciates the opportunity to provide comments on these regulations, and looks forward to continuing to address these important matters.

Regards,

A handwritten signature in blue ink, appearing to read "Connor Parker".

Connor J. Parker, Esq.
Assistant Consumer Advocate